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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

**FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY**

In the Matter of:	)	
	)	
Implementation of the Local Competition	)	
Provisions in the Telecommunications	)	CC Docket No. 96-98
Act of 1996	)	
	)	
Intercarrier Compensation	)	CC Docket No. 99-68
for ISP-Bound Traffic	)	

To: The Commission

**JOINDER OF NORTH COUNTY COMMUNICATIONS, INC.  
IN PETITION OF CORE COMMUNICATIONS, INC.  
FOR STAY PENDING JUDICIAL REVIEW**

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*Counsel for North County Communications, Inc.*

Dated: June 4, 2001

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington D.C. 20554

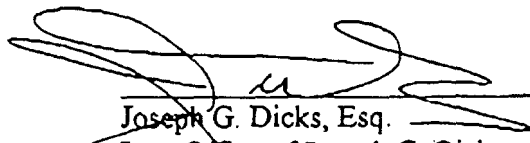
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**JOINDER OF NORTH COUNTY COMMUNICATIONS, INC.  
IN REQUEST OF CORE COMMUNICATIONS, INC.  
FOR STAY PENDING JUDICIAL REVIEW**

North County Communications, Inc. ("NCC"), a CLEC based in San Diego, California, hereby respectfully joins in the request of Core Communications, Inc. ("CoreTel"), dated June 1, 2001 and made pursuant to Sections 1.41, 1.43, and 1.44(e) of the Commission's Rules, that the Commission stay pending judicial review the implementation of the "growth cap" and "new market bar" on reciprocal compensation for ISP-bound minutes adopted in *Implementation of the Local Competition Provisions in the Telecommunications Act of 1996; Intercarrier Compensation for ISP-Bound Traffic*, FCC 01-131, CC Docket Nos. 99-98 and 99-68 (rel. April 27, 2001).

In its filing, Core Communications noted that "[t]here is . . . near certainty that other CLECs . . . face similar predicaments." NCC is just such a carrier. Concurrently with this joinder, NCC respectfully submits for the Commission's edification the declaration of Todd Lesser, President of NCC, outlining the history of the bullying, delay and anti-competitive tactics NCC has encountered at the hands of Verizon and their ilk. Faced with these facts, there should be no question whatsoever that the Commission's mandatory duty is to stay its order and the unintended results which that order will produce.

Respectfully submitted,



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**DECLARATION OF TODD LESSER**

I, Todd Lesser, pursuant to 28 U.S.C.1746, do hereby declare, under penalty of perjury, that the following is true and correct:

1. This declaration is made on behalf of North County Communications, Inc. ("NCC"), in support of its *Joinder in Request of Core Communications for Stay Pending Judicial Review*.
2. I am President of NCC, and have been since I founded the company in 1991. NCC is a privately held competitive local exchange carrier based in San Diego, California. Through a variety of telecommunications services, NCC helps small to medium-sized ISPs provide Internet connectivity without investing in expensive data and telecommunications network equipment. As part of my responsibilities at NCC, I have knowledge of the services currently provided by the company.
3. I have had the opportunity to review the declaration of Bret Mingo made in support of the *in Request of Core Communications for Stay Pending Judicial Review*. Suffice it to say, Mr. Mingo's experience on Behalf of Core Communications in dealing with Verizon's tactics is virtually identical to the treatment I have encountered from Verizon in attempting to get North County Communications up and running in various markets throughout the country. As examples, I share with the Commission the following delay tactics I encountered which are far too typical to be coincidental:
  - (a) During the process of attempting to negotiate interconnection in Oregon, GTE/Verizon agreed to extend the deadline to allow me to request arbitration if we were unable to reach a final agreement. I sent GTE/Verizon the appropriate documentation. GTE/Verizon refused to sign, denying any agreement to extend the time to demand arbitration, and interconnection by Verizon never took place.

- (b) In West Virginia, Verizon requires a CLEC to fill out a profile before interconnection can take place. I sent the required information innumerable times. Every single time, Verizon acted as if it had never received the information. Next, Verizon started the "let's change the form" game. So, it would change the form and ask me to resubmit the information, which I did. Then I was asked to resubmit the information on Microsoft Excel, purportedly because it would be "easier to pass on." In the end, all the Excel spreadsheet contained was my contact information and a few other points. This whole process took months to complete. On one occasion, I waited three weeks for someone to get back to me to simply send me a form. This was all to the detriment of West Virginia consumers seeking the benefits of an ostensibly competitive marketplace.

But our West Virginia experience isn't over, not by a longshot. Once I eventually (I hesitate to say "successfully") navigated all the landmines set up by Verizon, the actual interconnection process lay ahead. One customer had a retail DS3 all set and ready to go at its central office. Verizon refused to allow me to use this DS3 for interconnection. There was no justifiable reason for this practice. Verizon insisted it had to install its own fiber and that this would take several months. Ironically, if I were a retail customer and had ordered a T1, I could have had service up and running within 30 days. In short, it will be over one year from the date that West Virginia's Public Service Commission first approved NCC to operate as a local phone company before Verizon finally provides NCC with interconnection services.

- (c) In New York, we received more of the "West Virginia treatment." In addition, while I sublet space from another telecommunications firm in New York with racks for the required telecommunications equipment, Verizon refuses to utilize these racks for my equipment, even though there is plenty of room. Verizon required that I pay for additional space for their additional equipment alone.

Executed on June 5, 2001 by:



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TODD LESSER